

### **REMARKS**

Claims 1-40 are now pending in the application. Claims 1 and 11 have been amended. New claims 30-39 have been added. The basis for the foregoing amendments may be found throughout the written description, drawings and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-5 and 8-10 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Pat. No. 6,823,878 (Gadini). This rejection is respectfully traversed. At the outset, Applicant notes that claims 1 and 11 have been amended to more clearly define the heating element. More specifically, claim 1 has been amended to recite a heating element "adapted to heat water in the dishwasher". Similarly, claim 11 has been amended to recite a heating element operative to "heat water in the dishwasher". Applicant notes that the instant invention provides a heating element that not only heats the water but also provides a resistance to determine the temperature of the water. Applicant respectfully asserts that Gadini does not teach or suggest such a feature.

Gadini provides a washing machine that includes a softening device. A decalcifier 10 includes a first sensing means S1 for detecting operating parameters such as, conductivity, hardness degree and temperature of the water flowing out of the decalcifier 10. The tank 17 comprises heating means H. A second sensing means S2 is provided for detecting parameters of the water contained in the tank itself such as conductivity, hardness, temperature degree and others. See e.g. Col. 4, Lines 64-67

through Col. 5, Lines 1-17. Also, as shown in the FIGS., such as FIG. 1, the heater H, the first sensor S1 and the second sensor S2 are shown as distinct components. Applicant submits that Gadini suffers from the need for multiple components to (1) heat the water and (2) determine water temperature. The instant invention computes water temperature by using the measured resistance of the heating element itself. As a result, Gadini does not teach or suggest a heating element operative to heat water and change in resistance in response to water temperature such that water temperature in the dishwasher can be determined by the resistance measurement. Therefore, reconsideration and withdrawal of the rejection of claims 1-5 and 8-10 is respectfully requested.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 6,085,588 (Khadkikar). This rejection is respectfully traversed. Again, Applicant notes that the instant invention provides a heating element that not only heats the water but also provides a resistance to determine the temperature of the water. Applicant respectfully asserts that Khadkikar does not teach or suggest such a feature. Khadkikar provides a flow rate sensor having an ambient temperature measurement device 14 including a thermistor 42 as the temperature sensor. A heated temperature measurement device 16 includes a thermistor 34 as the temperature sensor. A heating element 32 is provided for heating the water. See e.g. Col. 4, Lines 11-27. The flow rate of the liquid in the flow channel 40 can be calculated by measuring the temperature drop of the heated temperature sensing device 16. As best shown in FIG. 1, the thermistors 34 and 42, and the heater 32 are each distinct components. As a result, Gadini does not teach or suggest a heating element operative to heat water and change

in resistance in response to water temperature such that water temperature in the dishwasher can be determined by the resistance measurement. Therefore, reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 6, 7, and 11-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gadini in view of U.S. Pat. No. 4,159,211 (Hoffman). This rejection is respectfully traversed. Applicant notes that claims 6 and 7 are ultimately dependent upon amended claim 1. Furthermore, in view of the foregoing discussion with respect to independent claims 1 and 11 above, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Hoffman provides a control system to insure automatic wash water at a normal set temperature for all cycles. The dishwasher includes a heater 50 powered through a switch 116 connected by a line 142 to a thermostat 117. If water temperature in a sump 28 is below a predetermined temperature, a circuit is completed to provide power to the heater 50. Once the water reaches the predetermined temperature, the thermostat 117 will open and interrupt power to the heater 50. See e.g. Col 4, Lines 12-27. As a result, temperature is determined by the thermostat 117 and the water is heated by heater 50. As a result, Hoffman, alone or in combination with Gadini, does not teach or suggest a heating element operative to heat water and change in resistance in response to water temperature such that water temperature in the dishwasher can be determined by the resistance measurement. Therefore, reconsideration and withdrawal of the rejection of claims 6,7 and 11-18 is respectfully requested.

### New Claims 30-39

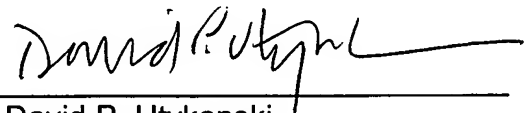
New claims 30-39 have been added for substantive examination. In view of the preceding discussion and the art of record, Applicant submits that claims 30-39 present patentable subject matter and therefore are in condition for allowance.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 8, 2006

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